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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

Case No. 2:23-mj-834-NJK

10 Plaintiff,

11 v.

12 GUILLERMO DANIEL CEJA-ORTIZ,
aka “Hector Javier Ceja-Ortiz,”
13 aka “Hector Javier Ceja,”
aka “Hector Javier Ortiz,”
14 aka “Hector Ortiz-Ceja,”
aka “Guillermo Ortiz,”

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Third Request)**

15
16 Defendant.
17

18 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
19 Frierson, United States Attorney, and Justin Washburne, Assistant United States
20 Attorney, counsel for the United States of America, and Jacquelyn N. Witt,
21 Assistant Federal Public Defender, counsel for Defendant Guillermo Daniel Ceja-
22 Ortiz that the Court schedule the preliminary hearing in this case for no earlier
23 than 60 days from the date of the filing of this stipulation. This request requires
24

1 that the Court extend two deadlines: (1) that a preliminary hearing be conducted
2 within 14 days of a detained defendant's initial appearance, *see Fed. R. Crim. P.*
3 5.1(c); and (2) that an information or indictment be filed within 30 days of a
4 defendant's arrest, *see 18 U.S.C. § 3161(b)*.

5 This stipulation is entered into for the following reasons:

6 1. The United States Attorney's Office has developed an early disposition
7 program for immigration cases, authorized by the Attorney General pursuant to the
8 PROTECT ACT of 2003, Pub. L. 108-21.

9 2. The early disposition program for immigration cases is designed to: (1)
10 reduce the number of hearings required in order to dispose of a criminal case; (2)
11 avoid having more cases added to the court's trial calendar, while still discharging
12 the government's duty to prosecute federal crimes; (3) reduce the amount of time
13 between complaint and sentencing; and (4) avoid adding significant time to the
14 grand jury calendar to seek indictments in immigration cases, which in turn
15 reduces court costs.

16 3. The government has made a plea offer in this case that requires
17 defendant to waive specific rights and hearings in exchange for "fast-track"
18 downward departure under USSG § 5K3.1. This offer will be withdrawn if it is not
19 timely accepted before this matter is indicted and before a preliminary hearing is
20 held.

21 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold
22 the preliminary hearing within a reasonable time, but no later than 14 days after
23 the initial appearance if the defendant is in custody . . ."

1 5. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon
2 a showing of good cause—taking into account the public interest in the prompt
3 disposition of criminal cases—a magistrate judge may extend the time limits in
4 Rule 5.1(c) one or more times”

5 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
6 information or indictment charging an individual with the commission of an offense
7 shall be filed within thirty days from the date on which such individual was
8 arrested or served with a summons in connection with such charges.”

9 7. Mr. Ceja-Ortiz accepted the “fast track” offer, and the parties expect
10 that the preliminary hearing will not be necessary in light of the upcoming change
11 of plea and sentencing hearing currently scheduled on March 19, 2024 before Judge
12 Gloria M. Navarro.

13 8. Accordingly, the parties jointly request that the Court schedule the
14 preliminary hearing in this case no sooner than 60 days from today’s date.

15 9. Mr. Ceja-Ortiz is in custody and agrees to the extension of the 14-day
16 deadline imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c)
17 or 18 U.S.C. § 3161(b), provided that the information or indictment is filed on or
18 before the date ordered pursuant to this stipulation.

20 10. The parties agree to the extension of that deadline.

21 11. This extension supports the public interest in the prompt disposition of
22 criminal cases by permitting defendant to consider entering into a plea agreement
23 under the United States Attorney’s Office’s fast-track program for § 1326
24 defendants.

12. Accordingly, the additional time requested by this stipulation is allowed under Federal Rule of Criminal Procedure 5.1(d).

13. In addition, the parties stipulate and agree that the time between today and the scheduled preliminary hearing is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

14. This is the third request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 1st day of February, 2024.

Respectfully submitted,

RENE VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Jacquelyn N. Witt
JACQUELYN N. WITT
Assistant Federal Public Defender
Counsel for Defendant
Guillermo Daniel Ceja-Ortiz

/s/Justin Washburne
JUSTIN J. WASHBURN
Assistant United States Attorneys

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:23-mj-834-NJK

Plaintiff,

V.

GUILLERMO DANIEL CEJA-ORTIZ,
aka "Hector Javier Ceja-Ortiz,"
aka "Hector Javier Ceja,"
aka "Hector Javier Ortiz,"
aka "Hector Ortiz-Ceja,"
aka "Guillermo Ortiz,"

[Proposed] Order on Stipulation to Extend Deadlines to Conduct Preliminary Hearing and File Indictment

Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on February 7, 2024 at the hour of 4:00 p.m., be vacated and continued to April 2, 2024 at the hour of 4:00 p.m.

DATED this 5th day of February, 2024.

HONORABLE NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE